IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.784 OF 1990

1. Shri Shivaji Hari Gharge)
2. Shri Kisan Jijaba Desai)
3. Shri Tukaram Jijaba Desai)
4. Shri Bhagwan Jijaba Desai)
5. Shri Narayan Jijaba Desai)
6. Shri Ganpat Jijaba Desai)..Petitioners

Versus

Shri Gajanan Hari Gharge)..Respondent

Mr. P.B. Shah, for the Petitioners
Mr. M.V. Sali, for Respondent.

CORAM: F.I. REBELLO J.
DATE : 10th January, 2005

ORAL JUDGMENT:

. It is not necessary to go into the facts in view of the order to be passed. In a Revision preferred by the Respondent the learned Revisional Authority was pleased to remand the matter for fresh decision on the application filed by the petitioner No.1 on 7th November, 1984. By so remanding the matter the learned Revisional Authority further held that the purchase made by petitioner Nos.2 to 6 herein be set aside. Counsel for the parties were asked as to what would be the consequence of setting aside the sale deed and at the same time the order of remand as application by petitioner No.1 was to seek permission for the sale. Counsel fairly concedes that there will be nothing further to be decided. Considering the above, the impugned order is partly modified to the extent that the order setting aside the sale is set aside. All questions are left open to be considered by the trial Court de

novo. Rule made partly absolute. There shall be no order as to costs.

2. Considering that the matter is old matter, the trial Court to dispose of the matter at any rate within six months from the date of receipt of the records and proceedings Registry to forthwith send the records back to the trial Court.

(F.I.REBELLO, J.)